

Message Text

PAGE 01 NATO 00372 01 OF 02 212024Z
ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 CIAE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06
ACDA-07 TRSE-00 SAJ-01 EURE-00 /079 W
-----212037Z 001500 /44

P R 211917Z JAN 77
FM USMISSION NATO
TO SECSTATE WASHDC PRIORITY 1288
SECDEF WASHDC PRIORITY
INFO AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY OTTAWA
AMEMBASSY PARIS
USMISSION GENEVA
USMISSION USUN NEW YORK
JCS WASHDC

C O N F I D E N T I A L SECTION 1 OF 2 USNATO 0372

EO11652 GDS
TAGS NATO PFOR PARM ICRC
SUBJECT NATO CONSIDERATION OF DRAFT PROTOCOL ON INTERNATIONAL
LAW IN ARMED CONFLICT

REF (A) USNATO 075 (DTG 071719Z JAN 77) (B) STATE 066
(DTG 031613Z JAN 77, NOTAL) (C) 76 USNATO 7019 (DTG
281200Z DEC 76) (D) 76 STATE 308066 (DTG 211839Z DEC76 NOTAL
)

SUMMARY: FURTHER DISCUSSION AMONT "INNER CORE" REPS HAS RESULTED
IN AGREEMENT THAT QUESTION OF NATO CONSIDERATION OF DRAFT PROTOCOL
SHOULD BE RAISED PROMPTLY IN POLADS EVEN THOUGH DIFFERENCES REMAIN
ON TIMING OF POSSIBLE MILITARY COMMITTEE STUDY. ACTION REQUESTED:
SEE PARA 7. END SUMMARY.

1. FOLLOWING FURTHER BILATERAL CONTACTS AMONG FRG, UK,
CONFIDENTIAL

PAGE 02 NATO 00372 01 OF 02 212024Z

US, CANADIAN AND FRENCH POLADS, GROUP MET JANUARY 20
TO DISCUSS HOW TO PROCEED WITH NATO CONSIDERATION OF
DRAFT PROTOCOL. MEETING WAS DELAYED BY INABILITY OF
FRG REP TO GET INSTRUCTIONS CLARIFYING FRG POSITION,
A DELAY HE ATTRIBUTED TO PERSISTENCE OF DIFFERING VIEWS
ON THIS ISSUE IN BONN AND NEED FOR MINISTERIAL CONSIDERATION.

2. DISCUSSION REVEALED AGREEMENT THAT NATO CONSIDER-
ATION SHOULD BEGIN AT POLADS LEVEL AND THAT THE MILI-
TARY COMMITTEE COULD BE REQUESTED TO STUDY THIS ISSUE

AT AN APPROPRIATE TIME. HOWEVER, ON TIMING OF STUDY
AND OTHER POINTS, PARTICIPANTS' INSTRUCTIONS AND RECORDS
OF BONN GROUP MEETING DIVERGED:

-- FRG REP EMPHASIZED THAT NATO DISCUSSION SHOULD
AIM TO PRODUCE COMMON ALLIED EVALUATION OF THE PROBLEM
AND AGREEMENT THAT NONE OF THE ALLIES WOULD SIGN PRO-
TOCOL I BEFORE INTENSIVE CONSULTATIONS ON ITS IMPLICATIONS
FOR NATO STRATEGY. NATO CONSULTATIONS COULD INCLUDE
A MILITARY COMMITTEE STUDY. FRG WANTED MC STUDY TO
BEGIN PROMPTLY AND BELIEVED "CONSENSUS" AT BONN MEETING
PERMITTED FRG TO CONTINUE TO PRESS ITS VIEW ON THIS POINT.

-- FRENCH REP'S INSTRUCTIONS AND RECORD OF BONN
MEETING EMPHASIZED FRENCH AGREEMENT WITH FRG CONCERNS
AND SUPPORT FOR A MILITARY COMMITTEE STUDY, WITH NO
RESTRICTION ON WHEN STUDY MIGHT BEGIN.

-- UK HIGHLIGHTED NEED TO SEEK A CONSENSUS
THAT ALLIES SHOULD NOT SIGN PROTOCOL BEFORE FULL NATO
STUDY. UK PREFERRED TO POSTPONE MC STUDY UNTIL AFTER COM-
PLETION OF PROTOCOL, BUT ITS POSITION ON TIMING OF STUDY
WOULD BE INFLUENCED BY ALLIED REACTION TO PROPOSAL TO
DELAY SIGNATURE.

-- CANADIAN WANTED TO PROMOTE AGREEMENT THAT ALLIES SHOULD
CONFIDENTIAL

PAGE 03 NATO 00372 01 OF 02 212024Z

NOT SIGN PRIOR TO NATO STUDY AND THAT STUDY SHOULD BEGIN AFTER
FOURTH ROUND OF DIPLOMATIC CONFERENCES AT GENEVA.

11 US REP DREW FULLY AT THIS MEETING AND IN
EARLIER BILATERAL CONTACTS ON REFS B AND D, EMPHASIZING
OUR FIRM OPPOSITION TO BEGINNING MC STUDY BEFORE CON-
CLUSION OF CONFERENCE.

CONFIDENTIAL

PAGE 01 NATO 00372 02 OF 02 212031Z
ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 CIAE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06
ACDA-07 TRSE-00 SAJ-01 EURE-00 /079 W
-----212037Z 001584 /44

P R 211917Z JAN 77
FM USMISSION NATO
TO SECSTATE WASHDC PRIORITY 1289
SECDEF WASHDC PRIORITY
INFO AMEMBASSY BONN
AMEMBASSY LONDON

AMEMBASSY OTTAWA
AMEMBASSY PARIS
USMISSION GENEVA
USMISSION USUN NEW YORK
JCS WASHDC

C O N F I D E N T I A L SECTION 2 OF 2 USNATO 0372

EO11652 GDS
TAGS NATO PFOR PARM ICRC
SUBJECT NATO CONSIDERATION OF DRAFT PROTOCOL ON INTERNATIONAL
LAW IN ARMED CONFLICT

3. DISCUSSION ALSO POINTED UP:

-- UK AND FRENCH VIEW THAT ALLIES SHOULD SEEK
AGREEMENT AT THE DIPLOMATIC CONFERENCE ON A SIX TO
EIGHTEEN MONTH DELAY, OR "GRACE PERIOD", BETWEEN COM-
PLETION OF PROTOCOL AND DATE ON WHICH IT WOULD BE
OPENED FOR SIGNATURE.

-- FRG CONCERN THAT PRESS AND PARLIAMENTARY
INTEREST IN ALLIED COUNTRIES WOULD FORCE GOVERNMENTS
TO MAKE CLEAR THEIR POSITION ON THE PROTOCOL SOON AFTER
ITS COMPLETION.

CONFIDENTIAL

PAGE 02 NATO 00372 02 OF 02 212031Z

-- FRG CONCERN THAT NORWEGIANS, DANES AND DUTCH
MAY WISH TO SIGN PROMPTLY AND MIGHT NOT, EVEN AT THIS
STAGE, BE WILLING TO JOIN ANY CONSENSUS THAT SIGNATURE
SHOULD BE DELAYED PENDING NATO STUDY.

4. UPSHOT OF DISCUSSION WAS AGREEMENT TO PROPOSAL OF
FRG REP THAT HE INTRODUCE SUBJECT AT FEBRUARY 25 POLADS
MEETING. IN VIEW OF REMAINING DIFFERENCES AMONG INNER
GROUP REPS, HE WOULD MAKE ONLY GENERAL REFERENCE TO
HIS AUTHORITIES' VIEWS ON DESIRABILITY OF COORDINATING
ALLIED APPROACH TOWARD SIGNATURE AND TO POSSIBILITY OF
MC STUDY. OTHER "INNER CORE" REPS WOULD PLAN TO COMMENT AT
FEBRUARY 1 MEETING WHEN OTHER ALLIES MIGHT ALSO BE IN A POSITION
TO JOIN IN DISCUSSION.

5. COMMENT: WE ANTICIPATE THAT POLADS CONSIDERATION
OF THIS SUBJECT WILL BE UNTIDY, BUT WE SEE NO DRAW-
BACK TO AIRING DIFFERING VIEWS ON NATO CONSIDERATION
WITH OTHER ALLIES. POLADS DISCUSSION IS LIKELY TO MOVE
AT SLOW PACE, AND TACTICALLY WE WILL BE IN A STRONG
POSITION IN SEEKING POSTPONEMENT OF MILITARY COMMITTEE
STUDY, SINCE WE CAN BLOCK ANY CONSENSUS TO INITIATE
STUDY. WE WOULD PLAN TO DRAW EXTENSIVELY ON REFS B AND
D IN SEEKING SUPPORT FOR DELAY. END COMMENT.

6. WE WOULD APPRECIATE GUIDANCE ON TWO ADDITIONAL POINTS:

-- BACKGROUND AND WASHINGTON VIEWS ON UK SUG-
GESTION THAT ALLIES SHOULD SEEK AN EXTENDED "GRACE
PERIOD" BETWEEN COMPLETION OF PROTOCOL AND SIGNATURE.

-- WASHINGTON'S VIEWS ON RELEVANCE OF CONCERN
REFLECTED IN PARA 27 ON MC STUDY ON CONVENTIONAL
WEAPONS (MCM-89-76) THAT BECAUSE OF MUTUAL DEPENDENCE
AND NEED FOR JOINT MILITARY ACTION IN TIME OF CRISIS
SUBSTANTIAL DIFFICULTIES COULD BE POSED FOR THE ALLIANCE
CONFIDENTIAL

PAGE 03 NATO 00372 02 OF 02 212031Z

BY THE EXISTENCE OF DIFFERENT RULES OF CONDUCT FOR DIFFERENT
ALLIED FORCES.

7. ACTION REQUESTED: GUIDANCE ON THESE POINTS AND
ANY ADDITIONAL VIEWS DEPARTMENT MAY WISH TO PROVIDE BY
JANUARY 31. STRAUZ-HUPE

CONFIDENTIAL

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 30-Aug-1999 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 21-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977NATO00372
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Expiration:
Film Number: n/a
Format: TEL
From: NATO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770191/baaabbjk.tel
Line Count: 187
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE
Message ID: 669384de-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29-Sep-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3680657
Secure: OPEN
Status: <DBA CHANGED> MCM 20040727
Subject: SUBJECT NATO CONSIDERATION OF DRAFT PROTOCOL ON INTERNATIONAL LAW IN ARMED CONFLICT
TAGS: NATO, PFOR, PARM, ICRC
To: STATE SECDEF MULTIPLE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/669384de-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009